

FILED
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
SECTION DAYTON

UNITED STATES OF AMERICA,

CASE NO. 3:18 cr 0382

Plaintiff	:	THOMAS M. ROGUE
v.	:	
STERLING H. ROBERTS (1)	:	
(Counts 1, 2, 3 & 4)	:	
TAWNNEY M. CALDWELL (2)	:	<u>INDICTMENT</u>
a/k/a Tawnney Thomas, (Counts 1, 2, 3, 4, 5 & 6)	:	18 U.S.C. § 2
CHANCE P. DEAKIN (3)	:	18 U.S.C. §§ 922(g)(1) and 924(a)(2)
a/k/a Chance Roberts (Count 2)	:	18 U.S.C. § 924(c)(1)(A)(iii)
CHRISTOPHER C. ROBERTS (4)	:	18 U.S.C. § 924(j)
(Count 2)	:	18 U.S.C. § 1512(b)
JAMES T. HARMON (5)	:	18 U.S.C. § 1512(c)(1)
(Count 2)	:	18 U.S.C. § 2261A(1)(A)
CHANDRA D. HARMON (6)	:	18 U.S.C. § 2261A(2)(A)
(Count 6)	:	
Defendants.	:	

THE GRAND JURY CHARGES THAT:

COUNT 1
[18 U.S.C. §§ 2261A(2)(A) and 2]

Between on or around August 1, 2017 and August 5, 2017, in the Southern District of Ohio,

STERLING H. ROBERTS, aided and abetted by TAWNNEY M. CALDWELL (a/k/a

TAWNNEY THOMAS), with the intent to kill, injure, harass, intimidate, and place under surveillance with intent to kill, injure, harass, and intimidate another person, to wit: Robert Caldwell, used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any facility of interstate or foreign commerce to engage in conduct that placed that person in reasonable fear of the death of or serious bodily injury to that person.

In violation of 18 U.S.C. §§ 2261A(2)(A) and 2.

COUNT 2
[18 U.S.C. §§ 922(g)(1) and 924(a)(2) and 2]

On or about August 15, 2017, in the Southern District of Ohio, **STERLING H. ROBERTS**, aided and abetted by **CHANCE P. DEAKIN** (a/k/a **CHANCE ROBERTS**), **CHRISTOPHER C. ROBERTS**, **TAWNNEY M. CALDWELL** (a/k/a **TAWNNEY THOMAS**), and **JAMES T. HARMON**, knowingly possessed a firearm in and affecting interstate and foreign commerce.

Such possession occurred after **STERLING H. ROBERTS** had been convicted of the following felonies punishable by terms of imprisonment exceeding one year, namely:

- a. on or about October 16, 2003, in the Court of Common Pleas, Greene County, Ohio, Case Number 2003CR0427, Burglary, in violation of the Ohio Revised Code;
- b. on or about January 29, 2009, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2006CR0097, Burglary, in violation of the Ohio Revised Code;
- c. on or about May 8, 2012, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2011CR03274, Deception to Obtain Dangerous Drugs (>bulk but <5 times bulk) and Engaging in a Pattern of Corrupt Activity, in violation of the Ohio Revised Code;

d. on or about May 31, 2017, in the Court of Common Pleas, Montgomery County, Ohio, Having Weapons While Under Disability (Prior Offense of Violence), in violation of the Ohio Revised Code.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) and 2.

COUNT 3
[18 U.S.C. §§ 2261A(1)(A) and 2]

Between on or around August 12, 2017 and August 15, 2017, in the Southern District of Ohio and elsewhere, **STERLING H. ROBERTS**, aided and abetted by **TAWNNEY M. CALDWELL** (a/k/a **TAWNNEY THOMAS**) knowingly traveled in interstate commerce with the intent to kill, injure, harass, and intimidate another person, to wit: Robert Caldwell, and in the course of, or as a result of, such travel or presence engaged in conduct that placed that person in reasonable fear of the death or serious bodily injury to that person.

In violation of 18 U.S.C. §§ 2261A(1)(A) and 2.

COUNT 4
[18 U.S.C. §§ 924(c)(1)(A)(iii) and (j) and 2]

On or around August 15, 2017, in the Southern District of Ohio, **STERLING H. ROBERTS**, aided and abetted by **TAWNNEY M. CALDWELL** (a/k/a **TAWNNEY THOMAS**), knowingly used, carried, and discharged a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States – namely, Stalking, in violation of 18 U.S.C. § 2261A(1)(A), as set forth in Count Three of this Indictment, which is re-alleged and incorporated herein, and in the course of said offense, caused the death, and aided and abetted the killing of, Robert Caldwell through the use of a firearm – which killing is a murder, as defined in Title 18, United States Code, Section 1111(a), in that the defendants, with malice

aforethought, unlawfully killed, and aided and abetted the killing of, Robert Caldwell willfully, deliberately, maliciously, and with premeditation.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) and (j) and 2.

COUNT 5
[18 U.S.C. § 1512(c)(1)]

On or around August 15, 2017, in the Southern District of Ohio, **TAWNNEY M. CALDWELL** (a/k/a **TAWNNEY THOMAS**) corruptly altered, destroyed, mutilated, and concealed an object, to wit: the contents and data of a cellular telephone, with the intent to impair its integrity or availability for use in an official proceeding.

In violation of 18 U.S.C. § 1512(c)(1).

COUNT 6
[18 U.S.C. §§ 1512(b) and 2]

On or around November 17, 2017, in the Southern District of Ohio, **TAWNNEY M. CALDWELL** (a/k/a **TAWNNEY THOMAS**) and **CHANDRA D. HARMON** aiding and abetting each other, used intimidation, threatened, and corruptly persuaded another person, or attempted to do so, and engaged in misleading conduct toward another person with the intent to influence, delay, and prevent the testimony of any person in an official proceeding with regard to evidence related to Counts Two, Three and Four of this Indictment, which are incorporated herein by reference.

In violation of 18 U.S.C. §§ 1512(b) and 2.

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Special Findings: COUNT 4

DEFENDANT STERLING H. ROBERTS

On or about August 15, 2017, the defendant **STERLING H. ROBERTS**

- a. was 18 years of age or older at the time of the offense;
- b. intentionally killed Robert Caldwell (18 U.S.C. § 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of Robert Caldwell (18 U.S.C. § 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Robert Caldwell died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants of the offense, such that participation in the act constituted a reckless disregard for human life, and Robert Caldwell died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- f. in the commission of this offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5)); and,
- g. committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

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Special Findings: COUNT 4

DEFENDANT TAWNNEY M. CALDWELL (a/k/a TAWNNEY THOMAS)

On or about August 15, 2017, the defendant **TAWNNEY M. CALDWELL (a/k/a TAWNNEY THOMAS)**

- a. was 18 years of age or older at the time of the offense;
- b. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Robert Caldwell died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
- c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants of the offense, such that participation in the act constituted a reckless disregard for human life, and Robert Caldwell died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)),
- d. committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

A TRUE BILL

/s/ signed
F O R E M A N

BENJAMIN C. GLASSMAN
United States Attorney


SHEILA G. LAFFERTY
Assistant United States Attorney


AMY M. SMITH
Assistant United States Attorney